

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

STEVEN C. MILLER, a single man)
Plaintiff,) NO:
v.)
NATIONWIDE DEBT RECOVERY)
SERVICE, INC, a Washington-based)
corporation)
Defendant.)

1 **COMPLAINT AND DEMAND FOR JURY TRIAL**

2
3 ***I. INTRODUCTION***
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5 1. This is an action for actual and statutory damages brought by Plaintiff Steven C.
6 Miller, an individual consumer, against Defendant Nationwide Debt Recovery Service, Inc. for
7 violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter
8 “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair
9 practices.
10

11 ***II. JURISDICTION***
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13 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.
14 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is
15 proper in that the Defendants transact business in this District and the conduct complained of
16 occurred in this District as well.
17

18 ***III. PARTIES***
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20 3. Plaintiff, Steven C. Miller, is a natural person residing in the City of Cheney, County
21 of Spokane, State of Washington
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23
24

1 4. Defendant Nationwide Debt Recovery Service, Inc. (hereinafter "Nationwide"), is a
2 Washington State corporation engaged in the business of collecting debt in this State with its
3 principal place of business located at 8621 N DIVISION STE B SPOKANE, WA, 99208. The
4 principal purpose of Defendant is the collection of debts in this State and Defendant regularly
5 attempts to collect debts alleged to be due another.

6
7 5. Defendant is engaged in the collection of debts from consumers using the mail and
8 telephone. Defendants regularly attempt to collect consumer debts alleged to be due to another.
9 Defendants are "debt collectors" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

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11 ***IV. FACTUAL ALLEGATIONS***
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14 6. On October 10, 2007, Plaintiff's vehicle was parked in a parking lot owned by
15 Gonzaga University, located at 721 N Cincinnati St. Spokane, WA 99220 ("the parking lot")
16

17 7. No signs in the parking lot state that a fee must be paid to any entity prior to parking in
18 the lot.
19

20 8. No signs in the parking lot state that a vehicle parked in the lot may be subject to fees
21 or fines under any circumstances.
22
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1 9. There was no agreement between Plaintiff and any other person or entity for Plaintiff
2 to pay any amount of money to park in the parking lot.

3
4 10. Nevertheless, Plaintiff received parking citation number 71762 ("the citation") from
5 Gonzaga University Campus Security for "no current permit".

6
7
8 11. The citation states in pertinent part that the fee for "no current permit" is \$40.00. If
9 paid with seven (7) days, the fee is \$20.00.

10
11 12. Plaintiff did not pay the "fee" within seven (7) days.

12
13 13. Sometime after October 10, 2007, Gonzaga University referred the \$40.00 fee
14 associated with the citation to Nationwide for collection.

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16 14. Nationwide sent multiple collection letters to Plaintiff, demanding payment of \$40.00
17 for payment of the citation fee. A copy of one such letter, dated January 3, 2007 is attached as
18 *Exhibit A*

19
20
21 15. In order to avoid "further collection effort," as stated in the January 3rd collection
22 letter, Plaintiff paid \$40.00 to Nationwide with a personal check dated June 11, 2008.

23
24 16. Exhibit A was received by Mr. Miller at his residence in Cheney, Washington

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2 17. The alleged debt of Mr. Miller claimed in Exhibit A was incurred for personal,
3 family, or household services.
4

5 18. As a result of the acts alleged above, Plaintiff suffered anger, frustration,
6 embarrassment, and anxiety.
7

8 ***V. CLAIM FOR RELIEF***
9

10 19. Plaintiff repeats and realleges and incorporates by reference to the foregoing
11 paragraphs.
12

13 20. Defendants violated the FDCPA. Defendants' violations include, but are not limited
14 to, the following:
15

16 a. Defendant violated 15 U.S.C. 1692e(2) by misrepresenting "the character,
17 status, or amount" of the debt. Specifically, defendant represented that a debt was owed
18 when none existed.

19 b. Defendant violated 15 U.S.C. 1692f(1) by attempting to collect, and collecting,
20 an amount not "expressly authorized by the agreement creating the debt." Since there
21 was no agreement to pay any amount of money, any and all collection attempts are in
22 violation of this section.
23

1 21. As a result of the foregoing violations of the FDCPA, defendants are liable to the
2 Plaintiff Steven C. Miller for declaratory judgment that Defendants' conduct violated the
3 FDCPA, actual damages, statutory damages, and costs and attorney fees.
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5 WHEREFORE, plaintiff Steven C. Miller respectfully requests that judgment be entered
6 against Defendant Nationwide for the following:
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- 8 a. Declaratory judgment that Defendants' conduct violated the FDCPA;
- 9 b. Actual damages;
- 10 c. Statutory damages pursuant to 15 U.S.C. § 1692k;
- 11 d. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k; and
- 12 e. For such other and further relief as the Court may deem just and proper.
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14 Respectfully submitted,
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16 DATED this 2nd day of January, 2009
17

18 /S/ Kirk D. Miller

19 _____
20 Kirk D. Miller, WSBA # 40025
21 Attorney for Plaintiff
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